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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,005	02/19/2002	Jeffrey R. Oar	10006644-1	1271

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EXAMINER

PATEL, ANAND B

ART UNIT

PAPER NUMBER

2116

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/081,005	OAR ET AL.	
	Examiner	Art Unit	
	Anand Patel	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 January 2005.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-22 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No 6271752 to Vaios.

- As per claim 1, Vaios discloses a method by which a portable computer (column 3, lines 24-27; It would have been obvious to employ a portable workstation to be able to monitor different locations.) in a sleep mode (302) responds to a wireless communication (304, 306; Vaios teaches using wireless communication in 6; column 4, lines 15-17), the method comprising the following:

- Waking the portable computer from the sleep mode in response to the wireless communication (304, 306; Vaios teaches using wireless communication in 6);
- Recognizing the wireless communication by the portable computer (304; since there is only one monitoring device being used, the system always recognizes the communication as an obstruction to the motion sensor)
- Responding to the wireless communication by the portable computer (306), including the following:
 - Generating an event notification message (310), and

- Transmitting the event notification message to an external device separate from the portable computer (312), the transmitting being performed via a wireless communication transmission (6, 312); and,
- Returning the portable computer to the sleep mode (316)
- As per claim 2, Vaios discloses a method wherein the external device is a pager (312)
- As per claim 3, Vaios discloses a method wherein the event is an incoming call to the portable computer (306)
- As per claim 4, Vaios discloses a method wherein the transmission of the event notification is made by the portable computer directly to the external device via a wireless network (312)
- As per claim 5, Vaios discloses a method wherein the transmission of the event notification is made by the portable computer to the external device via a wireless modem (column 2, lines 17-21; 6; Vaios teaches the use of a wireless communications network and the use of a computer network interface to connect to the communications network)
- As per claim 11, Vaios discloses storage media, the storage media storing software which when executing on a portable computer (column 3, lines 24-27; It would have been obvious to employ a portable workstation to be able to monitor different locations.) performs a method by which the portable computer responds to a wireless communication (304, 306; Vaios teaches using wireless communication in 6; column 4, lines 15-17), the method comprising the following:
 - Waking the portable computer from the sleep mode in response to the wireless communication (304, 306; Vaios teaches using wireless communication in 6);

- Recognizing the wireless communication by the portable computer (304; since there is only one monitoring device being used, the system always recognizes the communication as an obstruction to the motion sensor)-
 - Responding to the wireless communication by the portable computer (306), including the following:
 - Generating an event notification message (310), and
 - Transmitting the event notification message to an external device separate from the portable computer (312), the transmitting being performed via a wireless communication transmission (6, 312); and,
 - Returning the portable computer to the sleep mode (316)
- As per claim 12, Vaios discloses storage media wherein the external device is a pager (312)
- As per claim 13, Vaios discloses storage media wherein the event is an incoming call to the portable computer (306)
- As per claim 14, Vaios discloses storage media wherein the transmission is made by the portable computer directly to the external device via a wireless network (312)
- As per claim 15, Vaios discloses storage media wherein the transmission is made by the portable computer to the external device via a wireless modem (column 2, lines 17-21; 6; Vaios teaches the use of a wireless communications network and the use of a computer network interface to connect to the communications network)
3. Claims 6-7, 16-17, 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaios as applied above and in view of US Patent No 6772169 to Kaplan.

- As per claim 6, Vaios fails to disclose a method wherein the wireless communication is an inquiry from the external device. Kaplan discloses a method wherein
 - The wireless communication is an inquiry from the external device (column 2, lines 36-37); and
 - The event notification message includes a response to the inquiry from the external device (column 2, lines 43-44).

Kaplan discloses the use of a remote device to wirelessly access data stores in an application or on a web server. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Vaios and Kaplan to remotely query the video and image storage server disclosed by Vaios. The motivation to combine being the ability to access the data stored on the remote system allows the user to advantageously, wirelessly monitor and manage the system (column 1, lines 9-15).

Another advantage is the ability to monitor multiple sites from one remote device (column 5, lines 7-11).

- As per claim 7, Vaios fails to disclose a method wherein the wireless communication is an access by the electronic device into a database. Kaplan, as applied above, discloses a method wherein the wireless communication is an access by the electronic device into a database within the portable computer (column 4, lines 21-36).
- As per claim 16, Kaplan discloses storage media wherein
 - The wireless communication is an inquiry from the external device (column 2, lines 36-37); and

- The event notification message includes a response to the inquiry from the external device (column 2, lines 43-44).
- As per claim 17, Kaplan discloses storage media wherein the wireless communication is an access by the electronic device into a database within the portable computer (column 4, lines 21-36).
- As per claim 20, Vaios discloses a method performed by a portable computer, the method comprising the following:
 - Waking the portable computer from a sleep mode upon receiving an event sent to the portable computer from an external device (304; since there is only one monitoring device being used, the system always recognizes the event as an obstruction to the motion sensor)
 - Responding to the event by the portable computer (306), including the following:
 - Generating an event notification message (310), and
 - Transmitting the event notification message to an external device separate from the portable computer (312), the transmitting being performed via a wireless communication transmission (6, 312); and,
 - Returning the portable computer to the sleep mode (316)

Vaios fails to disclose that the event is an inquiry. Kaplan discloses a system, as discussed above, of querying a system from an external device (column 2, lines 36-37).

- As per claim 21, Kaplan discloses a method wherein the inquiry is an access by the electronic device into a database within the portable computer (column 4, lines 21-36).
- As per claim 22, Vaios discloses a method wherein the external device is a pager (312).

4. Claims 8, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaios as applied above and in view of US Patent No 6442248 to Davis.

- As per claim 8, Vaios fails to disclose an event that is a phone call. Davis discloses a method wherein

- The wireless communication is an incoming phone call to the computing system (column 2, lines 27-28)
- Responding to the wireless communication by the portable computer additionally includes the following: providing a pop-up window that displays information pertaining to the phone call, the pop-up window being displayed to a user upon the user awakening the portable computer (column 16, lines 3-8).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine Vaios and Davis to create a system that handles phone calls. The motivation to combine is the need to be able to identify the incoming telephone calls to the user

(column 1, lines 33-37)

- As per claim 18, Vaios fails to disclose an event that is a phone call. Davis discloses storage media wherein

- The wireless communication is an incoming phone call to the computing system (column 2, lines 27-28)
- Responding to the wireless communication by the portable computer additionally includes the following: providing a pop-up window that displays information pertaining to the phone call, the pop-up window being displayed to a user upon the user awakening the portable computer (column 16, lines 3-8).

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- As per claim 19, Vaios discloses a method performed by a computing system, the method comprising the following:
 - Waking the computing system from a sleep mode upon receiving an event sent to the computing system from an external device (304; since there is only one monitoring device being used, the system always recognizes the event as an obstruction to the motion sensor)
 - Responding to the event by the computing system (306)
 - Returning the computing system to the sleep mode (316)

Vaios fails to disclose that the event is a phone call and that a pop-up window notifies the user of the caller's information. Davis discloses a system, as discussed above, of telephoning a computer (column 2, lines 27-28) and providing the pop-up window that displays information pertaining to the phone call, the pop-up window being displayed to a user upon the user awakening the computing system (column 15, lines 57 - column 16, line 8).

5. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaios as applied above and in view of US Patent No 6694471 to Sharp.

- As per claim 9, Sharp discloses a method comprising queuing up a message for retransmission when no receipt acknowledgement is received by the portable computer (142, 146). Vaios discloses that the message is an event notification message, as discussed above.
- As per claim 10, Sharp discloses a method additionally comprising retransmitting a message when no receipt acknowledgement is received by the portable computer (142, 146). Vaios discloses that the message is an event notification message, as discussed above.

Response to Arguments

6. Applicant's arguments filed 1/31/05 have been fully considered but they are not persuasive.

- Applicant's arguments with respect to claims 1, 11, 20 appear to argue that Vaios fails to disclose a portable computer waking from a sleep mode in response to a wireless communication. Examiner disagrees. Vaios teaches a workstation that is in an idle mode and is awakened when a signal or message is transmitted from a motion sensor to the workstation. Vaios teaches using wireless communication means in a different part of the patent, but could have also used this technology to communicate between the sensor and the workstation. Applicant's mention of Kaplan for these claims is unclear given that Kaplan was not used in the art rejection of these two claims.
- Applicant's arguments with respect to claim 19 appears to argue that Vaios and Davis fail to teach a pop-up window that displays information pertaining to a phone call upon the user awakening the system. Examiner disagrees. Davis teaches that the pop-up window containing caller information can be displayed either immediately or at a later time. It would have been an obvious extension to present the information to the user when the user is at the computer, and at the earliest time.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand Patel whose telephone number is (571) 272-7211. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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